

Cunningham



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Honeywell Inc.  
File: B-230224  
Date: June 14, 1988

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### DIGEST

Protester, who has failed to show allegedly restrictive specifications are unreasonable, has not met its burden of showing the specifications are unduly restrictive, where the contracting agency has made a prima facie showing of reasonableness of the specifications.

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### DECISION

Honeywell Inc. protests certain specifications in request for proposals (RFP) No. F04700-87-R-0119/0004, issued by the Flight Test Center, Edwards Air Force Base, California, for rack-mountable, wide-band instrumentation tape recorders with supporting manuals. The RFP required the supply of a brand name product (Racal Recorders, Inc., "Store House" model) or equal products that met listed "minimum specifications." These recorders are to be used in ground stations to record and store data transcribed from various on-board recorders on aircraft being tested.

The RFP contemplated the award of a requirements contract on a fixed-price per recorder basis.

Honeywell protests that some of the minimum specifications can only be fulfilled by the Racal brand name tape recorder and that these specifications are unnecessarily restrictive of competition. Honeywell contends that its model No. 101e tape recorder is functionally equal to the specified brand name product though it is not in compliance with all these specifications.

We deny the protest.

The determination of minimum needs and the best method of accommodating those needs are primarily the responsibility of the contracting agencies. We have recognized that government procurement officials, since they are the ones

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most familiar with the conditions under which supplies, equipment or services have been used in the past and how they are to be used in the future, are generally in the best position to know the government's actual needs. Consequently, we will not question an agency's determination of its actual minimum needs unless there is a clear showing that the determination has no reasonable basis. Ray Service Co., 64 Comp. Gen. 528 (1985), 85-1 CPD ¶ 582.

When a protester challenges a specification as unduly restrictive of competition, the burden initially is on the procuring agency to establish prima facie support for its contention that the restrictions it imposes are needed to meet its minimum needs. But, once the agency establishes this prima facie support, the burden is then on the protester to show that the requirements complained of are unreasonable. Ray Service Co., 64 Comp. Gen. supra.

Honeywell argues that specification paragraphs 4.2 (calibration), 4.2.1 (IRIG [Inter-Range Instrument Group] calibration), 4.2.2 (setup memory), 4.2.3 (cross-setup), 4.3 (display), 4.3.1 (individual channel display), 4.3.3 (input/output level display), and 4.3.4 (other displays) as presently written are found only in the specified brand name recorder and that these specifications should be amended by "removing the unduly restrictive specifications" so as to permit consideration of allegedly functionally equal recorders, such as Honeywell's model 101e. As set out below, the Air Force has presented justification for all the disputed specifications and asserted that they may also be fulfilled by products other than the specified brand name product.

#### CALIBRATION (paragraphs 4.2 and 4.2.1)

Honeywell argues that paragraphs 4.2 and 4.2.1 require automatic calibration, which is an exclusive feature of the brand name product. The Air Force responds that the calibration specifications, fairly read, do not require automatic calibration; that the word "automatic" does not even appear in the specification paragraphs. The Air Force contends that it needed only the capability of calibrating the recorder without having the need for additional equipment to enable calibration and that it previously revised these paragraphs to allow other than automatic calibration in response to earlier complaints. Our review does not indicate automatic calibration is necessarily required. The Air Force also insists that after it recently brought its interpretation to the attention of Honeywell, Honeywell's representative stated "there would be no problem, that it [the Honeywell interpretation] was a misinterpretation of

the specification." Honeywell has not specifically refuted the Air Force's position on the calibration requirements.

#### SETUP MEMORY (paragraph 4.2.2)

Although Honeywell alleges that setup memory as described in this paragraph is an "exclusive feature" of the brand name product, the Air Force states that the feature is available on the Fairchild Model 9 product and is also "widely available on consumer audio and video products." The Air Force further contends that the feature, which allows the calibration setup to be stored for future recordings, is a minimum requirement as it will save time and reduce operator errors when setting up a recorder for different flight test missions. With the setup memory feature, the Air Force reports, the operator is required to "step through the full setup sequence only once for each different mission type [but after] that the operator can set up the recorder/reproducer for a particular mission by merely selecting the mission type from the setup memory." Honeywell has not specifically contested the Air Force's position, and our review shows this is a minimum requirement.

#### CROSS-SETUP (paragraph 4.2.3)

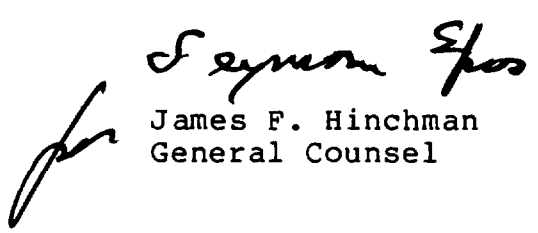
Honeywell argues that this specified brand name feature will not work on any other recorders. In reply, the Air Force argues that the feature is widely available on the more expensive laboratory recorders and that a "somewhat limited cross-setup capability is available on both the Honeywell Model 101e and the Fairchild Model 9 under the name preamble and postamble." The Air Force states that the feature, which requires automation of the cross-setup procedure, is also a minimum requirement as it will save time and reduce operator errors when tapes are recorded at one site and played back at another site. Otherwise, recorder setup parameters have to be manually recorded, which has proven prone to error and more time consuming. Honeywell has not rebutted the Air Force's position, nor can we say this specification is unreasonable.

#### DISPLAY REQUIREMENTS (paragraphs 4.3, 4.3.1, 4.3.3, 4.3.4)

Honeywell argues that the protested display features are found only in the specified brand name product. The Air Force argues that the "Fairchild Model 9" product also contains these display features, which the Air Force considers as representing its minimum needs. The Air Force notes that the trend among recorder manufacturers is to replace the banks of indicator lamps that used to be present on the recorder front panels with built-in video monitors.

Specifically, the Air Force argues that these features:  
(1) greatly increase the versatility, quantity, and quality of displayed-information; (2) provide an ability to display recorder/reproducer status remotely; and (3) provide an ability to capture the recorder/reproducer status using a video cassette recorder. Honeywell has not contested the Air Force's position, and we have no basis to question it either on this record.

The protest is denied.



James F. Hinchman  
General Counsel